

Response Under 37 C.F.R. 1.116 – Expedited Procedure
Examining Group 1646

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By: 

Printed: Lisa McDill

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Tang et al.

Title: POLYNUCLEOTIDES ENCODING HUMAN MSP-9 PROTEIN (AS AMENDED)

Serial No.: 09/823,356

Filing Date: March 30, 2001

Examiner: Murphy, J.

Group Art Unit: 1646

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated September 23, 2003, of the Examiner's rejection of Claims 3, 5-7, 9, 11, 12, 79, 80 and 83.

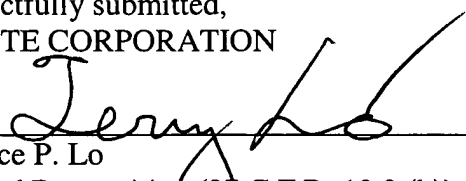
Please charge the Appeal fee of **\$330.00** required under 37 C.F.R. § 1.17(b) to Deposit Account No. **09-0108**. The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayments to Deposit Account No. **09-0108**.

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Date: December 23, 2003

Respectfully submitted,
INCYTE CORPORATION


Terence P. Lo

Limited Recognition (37 C.F.R. 10.9 (b)) attached
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